

MEETING MINUTES

MILPITAS PLANNING COMMISSION
Milpitas City Hall, Council Chambers
455 E. Calaveras Blvd., Milpitas, CA

Wednesday, December 13, 2017

I. PLEDGE OF ALLEGIANCE

Chair Mandal called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

II. ROLL CALL/ SEATING OF ALTERNATE

Present: Chair Mandal, Vice Chair Madnawat, Commissioners Maglalang, Mohsin, Chua

Absent: Sandhu (excused), Ciardella (excused), Morris (excused)
Alternate Member Chua was seated for voting.

Staff: Bradley Misner, Katy Wisinski, Michael Fossati

III. PUBLIC FORUM

Chair Mandal invited members of the audience to address the Commission and there were no speakers.

IV. APPROVAL OF MEETING MINUTES

Chair Mandal called for approval of the November 8, 2017 and November 29, 2017 special meeting minutes of the Planning Commission.

Ms. Wisinski said the commission did not have the quorum to approve the November 8 minutes considering who was at the meeting that day and staff will bring them back for approval at another date.

Motion to approve Planning Commission meeting minutes of November 29, 2017 special meeting.

Motion/Second: Commissioner Maglalang/Commissioner Chua

AYES: 4

NOES: 0

ABSTAIN: 1 Mohsin

V. ANNOUNCEMENTS

Planning Director Bradley Misner announced this is the final meeting of the Planning Commission for 2017. He thanked the commissioners for their hard work over the past year and said he looks forward to 2018, having more training sessions, and starting the General Plan conversation with the commission.

Commissioner Maglalang would like to have discussions next year about the TASP and in lieu fees.

Chair Mandal asked for a volunteer from the commission to attend a budget priorities focus group workshop, to be held on December 20 or 21, or January 3 or 4. Commissioner Chua will attend.

VI. CONFLICT OF INTEREST

Deputy City Attorney Katy Wisinski asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.

VII. APPROVAL OF AGENDA

Chair Mandal asked if staff or Commissioners had changes to the agenda and there were none.

Motion to approve the December 13, 2017 agenda as submitted.

Motion/Second: Commissioner Chua/Commissioner Mohsin

AYES: 5

NOES: 0

VIII. CONSENT CALENDAR
NO ITEMS

IX. PUBLIC HEARING

IX-1

LARGE DAY CARE FACILITY – 1533 Stemel Way – P-UP17-0012: A request for a Conditional Use Permit to allow a large day care facility to operate within 300 feet of another existing large day care facility. Conditional Use Permit is required per City Code Section XI-10-13.06 (C)(1) Exception.

Project Planner Michael Fossati showed a presentation and discussed the request.

Mr. Fossati said there were two responses to the public notices recommending denial of the project, citing additional traffic and noise, and 10 responses recommending approval of the project.

Commissioner Chua asked if staff received feedback from the nearby daycare facility on Stemel and Mr. Fossati said he spoke with the daycare provider, who was aware of this request, and did not receive any negative comments.

Vice Chair Madnawat asked why there is a rule that large daycare facilities cannot be located within 300 feet of each other. Mr. Fossati believes it might be due to concentration of uses and the potential impacts, and said the provision states the need to have a CUP but does not say it is not allowed.

Mr. Misner said it is the city's rule that two large family daycare homes within 300 feet of one another requires a CUP, and is a standard that has been in the city's ordinance for a while. This is not governed by the state and other cities may have different thresholds.

Chair Mandal opened the public hearing. Five Milpitas residents whose children attend the daycare spoke of the importance of daycare facilities in the city and in support of the project.

John Dahl, a 27 year Milpitas resident, is concerned with the noise that will come

from the facility. He lives immediately behind the applicant's home, is recently retired, and worries that when he spends time in his backyard it will be noisy with children five days a week. He hopes if the project is approved, he and the applicant can reach some sort of an understanding.

Matt Richardson, a 30 year Milpitas resident, lives on Quail Drive around the corner from the daycare. He is concerned with increased traffic and safety, and said it is dangerous to exit Stemel onto Evans and believes it is dangerous to increase traffic at that location.

Motion to close the public hearing.

Motion/Second: Vice Chair Madnawat/Commissioner Maglalang

AYES: 5

NOES: 0

Commissioner Chua asked Mr. Fossati about Mr. Dahl's noise concern. Mr. Fossati said it may be possible to mitigate the concerns by replacing the wrought iron fence between the two properties with an eight foot fence, or conditioning the hours associated with playing outside. Mr. Misner said he understands the desire for privacy but the options noted have not been fully analyzed and the potential noise is unknown at this time, and added that the city has a noise ordinance.

Commissioner Mohsin said the city has grown and there is a need for daycare facilities. She hopes the neighbors can work out their differences and does not see a need to add conditions to the project.

Commissioner Maglalang believes there could be a traffic impact and recommended the city monitor the project for six months.

Vice Chair Madnawat said traffic overall has increased, and he also has noisy neighbors, but it would be unfair to place conditions on this project. He added that if the intersection mentioned is dangerous then city staff should look into it.

Applicant Shulani Gulati said she has never received complaints regarding noise, and is before the commission simply because her family moved one street over to Stemel Way from her current location.

Vice Chair Madnawat moved to adopt the resolution. Commissioner Maglalang asked if there will be an added condition that staff monitor the traffic for six months. Vice Chair Madnawat is not amenable to this as he believes it is unnecessary, is a condition that has not been placed on other projects, and there is no data showing a traffic problem.

Mr. Misner said COA #20 deals with Code Enforcement procedures and staff will go out on a complaint basis. In the event there are problems, including traffic, the item can return to the commission for reconsideration.

Motion to Adopt Resolution No. 17-032 approving Conditional Use Permit Amendment No. P-UP17-0012, subject to the attached Conditions of Approval.

Motion/Second: Vice Chair Madnawat/Commissioner Mohsin

AYES: 5

NOES: 0

IX-2

9,996 SQ. FT. COMMERCIAL BUILDING ADDITION – 497 S HILLVIEW DRIVE - P-SD17-0015, P-UP17-0016: A request for a Site Development Permit and Conditional Use Permit to expand an existing building with a new cleanroom addition of approximately 9,996 sq. ft. and the expansion of 1,297 sq. ft. for a new utility yard for infrastructure equipment. Site Development Permit is required per City Code Section XI-10-57.03(C)(1)(e)(i) (Additions to Non-Residential Buildings). Conditional Use Permit is required per City Code Section XI-10-2.03 (Floor Area Ratio).

Project Planner Michael Fossati showed a presentation and discussed the request.

Chair Mandal asked if there will be an increase in head count and Mr. Fossati said he believes there may be.

Vice Chair Madnawat said the new space will be used to store equipment, not employees, and questioned the need for a traffic study. Mr. Fossati said staff did not pay for a traffic study but reviewed trip generation to demonstrate an adequate analysis on the project.

Chair Mandal opened the public hearing and there were no speakers.

Motion to close the public hearing.

Motion/Second: Commissioner Chua/Commissioner Maglalang

AYES: 5

NOES: 0

Commissioner Maglalang noted that seven trees will be removed and replaced with six Jacaranda and questioned the ratio for replacement. Mr. Fossati said the trees are unprotected, therefore there is no requirement to replace them. Commissioner Maglalang requested the trees be replaced at a 1:1 ratio and the applicant said they are amenable to providing an additional tree.

Motion to Adopt Resolution No. 17-034 approving Site Development Permit No. P-SD17-0015 and Conditional Use Permit No. P-UP17-0016, subject to the attached Conditions of Approval.

Motion/Second: Vice Chair Madnawat/Commissioner Chua

AYES: 5

NOES: 0

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT

The meeting was adjourned at 8:23 PM.

Motion to adjourn to the next meeting.

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Motion/Second: Vice Chair Madnawat/Commissioner Mohsin

AYES: 5

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elia Escobar*